

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

ORDER

**FAA Order
Number:** Odra-06-377

Matter: Protest of Optical Scientific, Incorporated
Pursuant to Solicitation No. DTFAAC-05-R-02321

Docket No.: 06-ODRA-00365

Date Served: May 4, 2006

ORDER

Optical Scientific, Incorporated (“OSI”) filed this Protest with the Federal Aviation Administration’s (“FAA”) Office of Dispute Resolution for Acquisition (“ODRA”) in which it challenged the FAA Mike Monroney Aeronautical Center’s (“the Center”) selection of Vaisala, Incorporated (“Vaisala”) for the award of an indefinite delivery/indefinite quantity contract for Automated Weather Observation System Visibility Sensors. The Protester argued that as a result of the Center’s improper technical evaluation and disparate treatment of offers, OSI’s technical proposal was unreasonably downgraded and Vaisala’s offer was improperly determined to be the best value despite the fact that OSI’s proposed system is significantly less expensive.

Pursuant to the Delegation of final decisional authority from the Administrator, dated March 10, 2004, I adopt the attached ODRA Findings and Recommendation, and hereby sustain the Protest and direct the Center to implement the recommended remedy stated therein within forty-five (45) calendar days of the issuance of this Order. Following this corrective action, if OSI’s offer is determined to represent the best value, the Center is directed to terminate the Vaisala contract for the convenience of the Government, and make award to OSI. The Center further is directed to submit a detailed report to the Administrator, through the ODRA, explaining the actions that were taken to implement the recommended remedy, and the outcome of those efforts.

This is the final Agency order in this matter. To the extent that this decision is subject to review, such review shall be sought in accordance with 49 U.S.C. § 46110 and the ODRA Procedural Rule, 14 C.F.R. § 17.33, within sixty (60) days of issuance of this Order.

Issued for the FAA Administrator
this 4th of May, 2006

-S-

Anthony N. Palladino
Associate Chief Counsel and Director
FAA Office of Dispute Resolution
For Acquisition